

THESE MINUTES ARE SUBJECT TO FORMAL APPROVAL BY THE WYOMING  
PLANNING COMMISSION AT ITS REGULAR MEETING OF MAY 20, 2014

PLANNING COMMISSION  
MINUTES OF APRIL 15, 2014  
CITY COUNCIL CHAMBERS  
CITY OF WYOMING, MICHIGAN

MEMBERS PRESENT: Arnoys, Bueche, Goodheart, Micele, Postema, Spencer, Weller,  
Woodruff

MEMBERS ABSENT: Hegyi

STAFF PRESENT: Rynbrandt, Director of Community Services  
Cochran, City Planner  
Lucar, Administrative Aide

Chair Spencer called the meeting to order at 7:00 PM.

Motion by Postema, supported by Weller, to excuse Hegyi. Motion carried unanimously.

APPROVAL OF MINUTES

The minutes of March 18, 2014 were approved as written.

APPROVAL OF AGENDA

The agenda was approved as presented.

PUBLIC COMMENT ON NON-PUBLIC HEARING AGENDA ITEMS

There were no comments.

AGENDA ITEM NO. 1

Request for Special Use Approval for Sky Antiques (secondhand business). The property is located at 4457 Division Avenue, SW. (Section 25) (Van Ly) (Includes Site Plan Approval)

Cochran described the location, existing land use and current zoning around the area. The petitioner desires to establish an antique business within this 3,300 square foot commercial building. Under the Zoning Ordinance, this is defined as a secondhand business and requires Special Use Approval from the Planning Commission to be established. All secondhand

businesses are background checked and are required to follow item declaration procedures through the Police Department.

The following standards for Special Use Approval are to be considered by the Planning Commission, as described within Section 90-761 (3) of the Zoning Ordinance:

- a. The possible substantial and adverse effect on neighboring property.

The proposed use is a low volume commercial enterprise which is desirable within this older, non-conforming property. The site parking lot does not provide the current Zoning Code required 24 foot wide drive aisles; however, allowing a limited commercial use of the vacant site would provide a positive effect on this and neighboring properties.

- b. The consistency with the spirit, purpose and intent of this chapter.

The Special Use provisions of the ordinance allow the Planning Commission discretion in whether to establish land uses within a particular area of a zoning district. There are other secondhand businesses on Division Avenue. The proposed use is consistent with the intent of the chapter.

- c. The possible adverse effect upon traffic as related to the streets, churches, schools and any buildings within the immediate area.

The property has access to Division Avenue, a five-lane thoroughfare. No adverse traffic impacts are anticipated from this retail use.

- d. The tendency of the proposed use to create any type of blight within the immediate area.

The business will occupy a vacant commercial building. No blighting influence will occur to neighboring properties.

- e. The economic feasibility for the area.

The proposed use appears financially viable.

- f. Any other factor as may relate to the public health, safety and welfare for persons and property.

Staff had no additional comments.

- g. That all other provisions of this chapter are met.

With the associated licensing requirements of the City, staff has no other concerns.

Staff had the following added site plan comment:

1. The site is fully developed. No alterations to the site plan are requested. However, the parking spaces must be striped a minimum of 9 feet wide and 18 feet in length. An appropriate accessible parking space shall be provided.
2. If a trash dumpster is located on the property it shall be located in the rear yard and enclosed.

Staff highlighted how the proposal conforms to the City of Wyoming Sustainability Principles. The proposed Sky Antiques secondhand business will occupy a vacant commercial building. The business will provide employment, which will promote the area's economic strength and social equity. The proposed Sky Antiques secondhand business conforms to the City of Wyoming's sustainability principles.

Planning Commission Action:

The Development Review Team recommended the Planning Commission grant Special Use Approval for Sky Antiques Secondhand Business per Staff's Findings of Fact. Staff also recommended granting Site Plan Approval subject to conditions 1 and 2 noted.

Chair Spencer opened the public hearing. There were no comments and the public hearing was closed.

Petitioner Van Ly said she and her husband have been collecting antiques for over 20 years, and their dream has been to open their own business. They will comply with the parking requirements. She has done her homework in receiving approvals from the Police Department and other requirements.

Motion by Arnoys, supported by Woodruff, to grant Special Use Approval for Sky Antiques Secondhand Business per Staff's Findings of Fact. Discussion followed.

Weller thought it was great that the petitioner chose to locate her business in Wyoming, and that an empty building on Division Avenue will be filled.

Chair Spencer asked about signage for this site. Cochran said they are entitled to signage covering 15% of each wall area. They can also install a pole sign.

A vote on the motion carried unanimously.

Motion by Arnoys, supported by Woodruff, to grant Site Plan Approval subject to conditions 1 and 2 noted. Discussion followed.

Postema thought condition 2 should be revised because the rear yard is technically the alley. He suggested the following:

2. If a trash dumpster is located on the property, it shall be located at the west end of the parking lot and enclosed.

Postema asked if the number of parking spaces was adequate. Cochran responded affirmatively.

Arnoys and Woodruff agreed to amend condition 2 as suggested by Postema. A vote on the motion carried unanimously.

#### AGENDA ITEM NO. 2

Request for Special Use Approval for Advance America (secondhand business). The property is located at 4130 Division Avenue, SE. (Section 19) (Advance America) (Includes Site Plan Approval)

Cochran described the location, existing land use and current zoning around the area. The petitioner currently operates a cash advance business within a 1,278 square foot lease space. They desire to expand their business to include the purchase of precious metals. Under the Zoning Ordinance, this is defined as a secondhand business and requires Special Use Approval from the Planning Commission to be established. All secondhand business operators are background checked and are required to follow item declaration procedures through the Police Department.

The following standards for Special Use Approval shall be considered by the Planning Commission, as described within Section 90-761 (3) of the Zoning Ordinance:

- a. The possible substantial and adverse effect on neighboring property.

The proposed use is a minor business activity when compared to the primary use of the property. The proposed use is perceived to have no substantial and adverse effect on neighboring properties.

- b. The consistency with the spirit, purpose and intent of this chapter.

The Special Use provisions of the ordinance allow the Planning Commission discretion in whether to establish land uses within a particular area of a zoning district. There are other precious metals purchasers on Division Avenue in nearby communities. Also, the City has authorized other secondhand dealers for other goods along Division Avenue. The proposed use is consistent with the intent of the chapter.

- c. The possible adverse effect upon traffic as related to the streets, churches, schools and any buildings within the immediate area.

The property has access to Division Avenue, a five-lane thoroughfare. No adverse traffic impacts are anticipated from this retail use.

- d. The tendency of the proposed use to create any type of blight within the immediate area.

The business will share an existing commercial building. No blighting influence will occur to neighboring properties.

- e. The economic feasibility for the area.

The proposed use appears financially viable.

- f. Any other factor as may relate to the public health, safety and welfare for persons and property.

Staff had no additional comments.

- g. That all other provisions of this chapter are met.

With the associated licensing requirements of the City, Staff had no other concerns.

Staff had the following added site plan comment:

1. The site is fully developed. No alterations to the site plan are requested. However, if a trash dumpster is located on the property it shall be located in the rear yard and enclosed.

Staff highlighted how the proposal conforms to the City of Wyoming Sustainability Principles. The proposed Advance America secondhand business will expand the business services to the surrounding area. This will promote the area's economic strength and social equity. The proposed Advance America secondhand business conforms to the City of Wyoming's sustainability principles.

Planning Commission Action:

The Development Review Team recommended the Planning Commission grant Special Use Approval for Advance America Secondhand Business per Staff's Findings of Fact. Staff also recommended granting Site Plan Approval subject to condition 1 noted.

Chair Spencer opened the public hearing. There were no comments and the public hearing was closed.

Petitioner Janet Stevens of Advance America said they have been operating at this location since 2005, but they are now seeking approval to buy and sell gold. They currently have five other locations in the Grand Rapids area.

Motion by Weller, supported by Woodruff, to grant Special Use Approval for Advance America Secondhand Business per Staff's Findings of Fact. Motion carried unanimously.

Motion by Woodruff, supported by Weller, to grant Site Plan Approval subject to condition 1 noted. Motion carried unanimously.

AGENDA ITEM NO. 3

Request for Special Use Approval for Flames Sports (athletic training facility). The property is located at 425 – 36<sup>th</sup> Street, SW. (Section 13) (Chad Kryska) (Includes Site Plan Approval)

Cochran described the location, existing land use and current zoning around the area. Flames Sports currently operates from an indoor facility at Burton Street and U.S-131. They are primarily a baseball training and traveling team organization. They desire to grow their operation to include more instructional training services and enhance their membership. They propose to relocate their operations to a 15,338 square foot tenant space within this multi-tenant industrial building. This athletic training facility requires Special Use Approval from the Planning Commission to be established in this Industrial district.

The following standards for Special Use Approval shall be considered by the Planning Commission, as described within Section 90-761 (3) of the Zoning Ordinance:

- a. The possible substantial and adverse effect on neighboring property.

The proposed use would occupy a vacant tenant space within this multi-tenant industrial building. The proposed use is perceived to have no substantial and adverse effect on neighboring properties.

- b. The consistency with the spirit, purpose and intent of this chapter.

The Special Use provisions of the ordinance allow the Planning Commission discretion in whether to establish land uses within a particular area of a zoning district. The City Council, upon recommendation from the Planning Commission, amended the Zoning Ordinance in 2013 to allow athletic training facilities in Industrial zoned districts. The intent was to reuse vacant open-floor industrial buildings with a viable business use. The proposed use is consistent with the intent of the chapter.

- c. The possible adverse effect upon traffic as related to the streets, churches, schools and any buildings within the immediate area.

The property has access to 36th Street, a five-lane thoroughfare, with nearby access to U.S. 131. No adverse traffic impacts are anticipated from this use.

- d. The tendency of the proposed use to create any type of blight within the immediate area.

The business will occupy a tenant space within an existing industrial building. No blighting influence will occur to neighboring properties.

- e. The economic feasibility for the area.

The proposed use appears financially viable.

- f. Any other factor as may relate to the public health, safety and welfare for persons and property.

Staff had no additional comments.

- g. That all other provisions of this chapter are met.

Staff had no other concerns.

Staff had the following added site plan comment:

1. The site is fully developed and no alterations are proposed. The site plan exhibit acquired by the petitioner for the facility is dated, but in Staff's opinion is adequate to evaluate the proposed use. The parking area to service the proposed Flames Sports shall be striped to meet Zoning Ordinance requirements. This striping plan shall be approved by the Planning Department prior to installation. A minimum of 36 parking spaces can be provided. Although unlikely to be needed, additional overflow parking could be accommodated through the balance of the site, including a nearby concrete pad area.

Staff highlighted how the proposal conforms to the City of Wyoming Sustainability Principles. The proposed Flames Sports Athletic Training Facility will provide recreational services to the surrounding area and will reuse a vacant industrial tenant space. This will improve the area's economic strength and social equity. The proposed Flames Sports conforms to the City of Wyoming's sustainability principals.

Planning Commission Action:

The Development Review Team recommended the Planning Commission grant Special Use Approval for Flames Sports Athletic Training Facility per Staff's Findings of Fact. Staff also recommended granting Site Plan Approval subject to condition 1 noted.

Chair Spencer opened the public hearing. There were no comments and the public hearing was closed.

Motion by Micele, supported by Arnoys, to grant Special Use Approval for Flames Sports Athletic Training Facility per Staff's Findings of Fact. Motion carried unanimously.

Motion by Micele, supported by Woodruff, to grant Site Plan Approval subject to condition 1 noted. Discussion followed.

Goodheart thought it would be good to have another baseball facility in Wyoming.

A vote on the motion carried unanimously.

#### AGENDA ITEM NO. 4

Request to amend Zoning Code Section 90-44 Distance Requirements for Mechanical Appurtenances. (Wyoming Planning Department)

Cochran proceeded to explain the proposed Zoning Code amendment.

#### Proposed Amendment:

Zoning Code Section 90-44 restricts mechanical appurtenances (blowers, generators, air conditioning units, etc.) in the industrial and commercial districts from anywhere but the rear yard of properties. Recently, we have had several requests for variances from the Board of Zoning Appeals to locate generators in the side yard of properties. These requests have come from the VA Outpatient Clinic, Gordon Foods, Grand Rapids Plastics and others. Generators are desired for the facilities in order to maintain business operations during power outages. The generators have been reasonably placed in the side yards of the businesses where the electrical service to the buildings is provided. The variances have been granted by the BZA, with recommendations from staff.

In evaluating the ordinance restriction, Staff believes that requiring mechanical appurtenances to be located only in the rear yard is overly restrictive. Devices can be screened when needed and a noise ordinance is in place to address any particular location concern. Staff believes it is appropriate to allow such appurtenances to be located in the side yards of industrial and commercial properties and to remove the 20 foot distance requirement.

#### Existing Ordinance:

Freestanding industrial and commercial mechanical appurtenances such as blowers, ventilating fans and air conditioning units are permitted only in the rear yard no closer than 20 feet to abutting properties.

#### Proposed Ordinance Amendment (amendments in **bold**):

Freestanding industrial and commercial mechanical appurtenances such as blowers, ventilating fans, **generators** and air conditioning units are **prohibited in front yard areas**.

#### Planning Commission Action:

The Development Review Team suggested the Planning Commission recommend to the City Council the subject Zoning Code amendment to Section 90-44 Distance Requirement for Mechanical Appurtenances.



Chair Spencer opened the public hearing. There were no comments and the public hearing was closed.

Motion by Woodruff, supported by Goodheart, to recommend to the City Council the subject Zoning Code amendment to Section 90-44 Distance Requirement for Mechanical Appurtenances. Discussion followed.

Postema asked if mechanical appurtenances located in the side yard would be screened. Cochran replied there was no discussion by the DRT in this regard. Woodruff asked if there are barriers to protect these units. Postema responded they are not usually fenced off, but some generator units can be very large. Postema thought HVAC units in side yards should be screened and duct work should not be placed so it runs up the wall, especially in commercial areas. Weller agreed this would be more aesthetically pleasing. Rynbrandt recommended this item be deferred so Staff could develop wording in this regard.

Motion by Woodruff, supported by Goodheart, to defer this item one month. Motion carried unanimously.

#### AGENDA ITEM NO. 5

Request to amend Zoning Code Section 90-437 RO-1 Restricted Office District Lot and Area Requirements reference. (Wyoming Planning Department)

Cochran proceeded to explain the proposed Zoning Code amendment.

#### Proposed Amendment:

It was brought to Staff's attention by Commissioner Postema that there is an erroneous reference in Zoning Code Section 90-437. That section makes a referral to Section 90-585 of the Zoning Code. Section 90-585 is reserved and provides no text. The correct referral would be to Section 90-893 Nonresidential Districts.

#### Existing Ordinance:

All uses permitted in the RO-1 restricted office district as principal or special use approvals shall be subject to the same lot and area requirements as for B-1 business districts, as indicated in Section 90-585.

#### Proposed Ordinance Amendment: (amendment in **bold**):

All uses permitted in the RO-1 restricted office district as principal or special use approvals shall be subject to the same lot and area requirements as for B-1 business districts, as indicated in Section 90-**893**.

Planning Commission Action:

The Development Review Team suggested the Planning Commission recommend to the City Council the subject Zoning Code amendment to Section 90-437 RO-1 Restricted Office District Lot and Area Requirements reference.

Chair Spencer opened the public hearing. There were no comments and the public hearing was closed.

Motion by Postema, supported by Micele, to recommend to the City Council the subject Zoning Code amendment to Section 90-437 RO-1 Restricted Office District Lot and Area Requirements reference. Motion carried unanimously.

AGENDA ITEM NO. 6

Request for Preliminary Plat – Final Approval for Rivertown Valley III. The property is located on Nile Drive extended and Chestnut Ridge Drive extended. (Section 32)  
(TMGB Wilson LLC)

Cochran described the location, existing land use and current zoning around the area. The petitioner proposes 38 lots on 14 acres developed to R-1 Residential standards. This project obtained Planning Commission approval on February 18, 2014 and City Council approval on March 3, 2014. The prior two phases to the north have 93 lots, which are nearing build out.

The platting of property is a three step review by both the Planning Commission and City Council. The first step is Preliminary Plat – Tentative review which authorizes the basic lot sizes and orientation and street layout. The second step is Preliminary Plat – Final Approval which provides full engineering detail for the construction of the plat. The third step is Final Plat Approval, which generally occurs after the plat is completed with the City accepting the development.

Staff Comments:

1. The development of the Rivertown Valley III plat would provide the necessary utility infrastructure to service the adjoining parcels. The City will contribute to the over sizing of utilities to service a future adjoining development.
2. The developer will be required to participate in the cost sharing for the Regional Storm Sewer System at a later stage approval.
3. The required approval letters from the Kent County Plat Board and the Drain Commission have been provided. (Informational)

Staff highlighted how the proposal conforms to the City of Wyoming Sustainability Principles.

The proposed Rivertown Valley III subdivision will provide quality housing opportunities for residents in Wyoming. The construction of the plat, and the subsequent construction of the homes, will provide significant employment. These factors will contribute to the economic strength and social equity of the City. The proposed Rivertown Valley III plat conforms with the City of Wyoming sustainability principles.

Planning Commission Action:

The Development Review Team suggested the Planning Commission grant Preliminary Plat – Final Approval for Rivertown Valley III, and recommended the same to the City Council, subject to conditions 1 and 2 noted.

Bueche and Goodheart asked for an abstention from voting because they both worked on this project.

Motion by Woodruff, supported by Micele, to grant an abstention from voting for Bueche and Goodheart. Motion carried unanimously.

Motion by Weller, supported by Arnoys, to grant Preliminary Plat – Final Approval for Rivertown Valley III, and recommend the same to the City Council, subject to conditions 1 and 2 noted. Discussion followed.

Weller asked if there was a pond on Lots 28 and 29. Cochran replied there is a dirt pile there now and it will be graded.

A vote on the motion carried unanimously.

INFORMATIONAL ITEMS

Making Decisions to Promote Good Government Workshop, May 12, 2014, 4–6:00 p.m.,  
West Conference Room at City Hall

Cochran noted there will be another joint training opportunity for the City Council, Planning Commission and Board of Zoning Appeals. Gerald Fisher, a well-known Land Use Attorney, will facilitate the training. Rynbrandt asked the Commissioners to RSVP whether or not they are attending.

PUBLIC COMMENT

There was no public comment.

Bueche pointed out, for Agenda Items 1 and 2, there were no legal descriptions on the site plans. Cochran replied that, when there is no new construction proposed with Special Use Approvals, small business owners many times have great difficulty obtaining a site plan for the property. Staff works with them to obtain a plan that shows the essential features of a property, including

property lines, buildings, parking and driveways. It is a significant expense for them to pay for an engineered drawing. Weller commented that it would be nice to see more detail, but he realized it could be very costly for a small business owner to pay for that in addition to the project review fees, permits, etc. Goodheart concurred. Bueche noted they can go to the Assessor's Office and obtain the permanent parcel number and legal description and then add it to the drawing. Cochran said he can encourage this practice.

Van Ly of Sky Antiques explained there were many hoops she had to go through to establish her business. It is difficult and expensive to start a small business with all the required approvals and fees.

#### ADJOURNMENT

The meeting was adjourned at 8:00 P.M.

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Anthony Woodruff, Secretary  
Wyoming Planning Commission

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Kimberly S. Lucar, Administrative Aide  
Wyoming Planning Commission